

Statement

Insurance Association of Connecticut

Labor and Public Employees Committee

March 11, 2014

SB 319, An Act Concerning Maximum Medical Improvement

The Insurance Association of Connecticut (IAC) opposes SB 319, An Act Concerning Maximum Medical Improvement, as it would lead to unnecessary and improper medical treatment and expenses under the Workers' Compensation Act.

SB 319 would require employers and insurers to provide unlimited medical and surgical services to injured employees after they have reached maximum medical improvement. Such an open-ended standard conflicts directly with the meaning of "maximum medical improvement" (lines 9-12) in the bill, defined as the point in time "when no further treatment is reasonably expected to improve the condition."

If no further treatment would improve the condition, what justification is there for unlimited treatment thereafter, as required in subsection (b)? SB 319 will require employers and insurers to pay for years of unnecessary and costly palliative care, rather than curative care as required under the Workers' Compensation Act.

Under current guidelines issued by the Workers' Compensation Commission, if the claim remains open when maximum medical improvement has been reached, the injured employee may make periodic visits to the treating physician to determine if significant changes have occurred in the employee's condition. If the physician determines that additional treatment is necessary, it may be provided upon agreement of the parties, but if a dispute arises, a hearing may be necessary to ensure that the

proposed care is proper and there are no intervening, non-work related causes for the employee's current condition.

SB 319 would require payment for medical services for the injured employee after maximum medical improvement, with no authority provided to the Workers' Compensation Commission to oversee the situation and no opportunity for the employer or insurer to object.

Currently, the point of maximum medical improvement and the provisions of medical care thereafter are properly determined on a case by case basis. SB 319 would require payment for excessive and unnecessary medical care, palliative rather than curative care and care for injuries not causally related to employment, which would all be reflected in increased Workers' Compensation insurance premiums.

IAC urges rejection of SB 319.